

Remarks

Claims 1-8 and 10-14 are pending.

Claims 1-8 are rejected.

Claim 9 is cancelled.

Claims 10-14 are new.

Claim 1 is amended to eliminate reference numerals and to eliminate the "or" language from the claim.

Claim 3 is amended to eliminate the "or" language from the claim.

Claim 6 is amended to specify that the operation of the claim is to take place during the "steps" of purchase initiation and sending of the user information.

Claim 8 is amended to eliminate reference numerals and to eliminate the "or" language from the claim.

Claims 10 and 13 are added to claim an additional operation of displaying a message indicating when an order center agent is available during said voice connection. Support for these new claims is found in the specification on page 11, lines 16-24, and in other places.

Claim 11 and 14 are added to specify that the claimed auxiliary information is related to Hypertext Markup Language. Support for these new claims is found in the specification on page

Claim 12 is added to claim that the auxiliary information is embedded in the television program signal. Support for this new claim is found in the specification on page 5, line 26 to page 6, line 12, and in other places.

No new matter was added in view of these amendments.

I. 35 U.S.C. 103(a) Rejection of Claims 1-8

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar et al. (U.S. Patent # 6,477,508, hereafter referred to as 'Lazar') in view of

Stautner et al. (U.S. Patent # 6,172,677, hereafter referred to as 'Stautner').
Applicant disagrees with this ground of rejection.

Claim 1 claims a step of "receiving a television signal comprising auxiliary data associated with said television signal". The Examiner in the rejection finds that the claimed auxiliary data of Claim 1 was found in the Lazar reference (as combined with Stautner). The Examiner makes the same conclusion for Claim 7. Applicant disagrees with the Examiner's conclusions.

Auxiliary data, as understood to one skilled in the art, is data that is associated or is related to a video or audio signal transmitted as part of a television signal. In the specification of the Applicant's invention, auxiliary information (data) is defined as "data that allows the television to display a selectable icon or icons or a selectable area or areas on the television typically with in the advertisement," (specification, page 5, lines 2-5). That is, the Pick Record signal (of Lazar) consists of Dual Tone Multi-Frequency (DTMF) tones that are audibly transmitted via speaker 208 to BMS 212 (Lazar, col. 5, lines 33-50, Fig 1A). These audible tones (from the combination of Lazar with Stautner) which are audio of a broadcasted commercial are not the same thing as auxiliary information as claimed in Claim 1 or Claim 7.

Moreover, Lazar does not provide any suggestion that such a reference should be combined with Stautner to arrive at the features of Claim 1 or Claim 7. Specifically, Applicant submits that the proposed modification of Lazar with features from Stautner would render the prior art invention being modified (Lazar) unsatisfactory for its intended purpose (see *In re Gordon*, 733 F. 2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Lazar is an invention that is directed towards the use of a remote unit 212 that listens to DTMF tones that are audibly broadcasted as part of a real time Enhanced Broadcast commercial (Lazar, col. 5, line 33 to col. 6, line 27). The further operations of remote unit 212 (as to purchase a service advertised as part of an Enhanced Broadcast commercial) are completely independent of and do not require that use of a video display system as claimed in Claim 1 (see Lazar, col. 6, lines 14-39), which would be required if Stautner were combined with Lazar in the manner suggested by the Examiner.

The Examiner's addition of "displaying a selectable purchase initiation icon for the purchase of at least one of a product and a service" and "selecting the

purchase initiation icon to initiate the purchase of the product" from Stautner (for Claim 1) would render the invention of Lazar unsatisfactory for its intended purpose. Lazar discloses the operation of a small device that captures information from a broadcast in real time. In contrast, Stautner discloses a system provides a displayed electronic program guide that may be used to purchase an item, which is presumably on demand and operates with information in an Electronic Program Guide, not information that is part of a broadcasted Enhanced Commercial (Lazar).

Applicant submits that the combination of the disclosure from Stautner (the use of an electronic program guide interface as to display a purchase icon or to provide a step of selecting such an icon) with Lazar is not desirable it is not apparent how Lazar would benefit from the use of such a user interface. Lazar discloses an invention that operates independently of a video display device when a user decides to purchase a good or service. That is, the use of a user interface (as from Stautner) would require the use of a video display device for completing the purchase of a good or service; something which Lazar does not disclose or suggest the need for. Lazar operates in a self contained fashion by intercepting information (i.e. DTMF tones) that are part of enhanced commercial without requiring the use of the "purchase icon" from Stautner, in the manner suggested by the Examiner.

For the reasons given above for Claims 1 and 7, Applicant submits that such claims are patentable. Applicant also submits that Claims 2-6 and 8 are patentable as such claims depend on allowable Claims 1 and 7, respectively.

Applicant also submits that the claimed features of "displaying a message indicating that said agent is available to speak to during said voice connection, wherein said message is displayed only when said agent is available" of Claims 10 and 13 neither disclosed or suggested in Lazar and Stautner, alone or in combination.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-

6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Applicant requests a two-month extension as to submit this response.
Please charge the fee for this extension, and any other fees owed in connection with this action to Deposit Account 07-0832.

Respectfully submitted,

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